IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 21331 of 2007(M)

OPMV.1455/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE

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PETITIONER:

PREMAN P.V., S/O. PANCHANKUTTY,
AGED 59 YEARS, VAZHAVALAPPI KARALI PARAMBA HOUSE,
NELLIKODE AMSOM AND DESOM, KOTTOOLI P.O.,
KOZHIKODE DISTRICT-673 016.

BY ADV. SRI.P.R.SREEJITH

RESPONDENTS:

1. THE MOTOR ACCIDENT CLAIM TRIBUNAL,
   KOZHIKODE.

2. THE UNITED INDIA INSURANCE COMPANY LTD.,
   CITY BRANCH OFFICE, SEEMA TOWER, BANK ROAD,
   MAVOOR ROAD JUNCTION, KOZHIKODE.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.21331 of 2007

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Dated this the 11th day of July, 2007

J U D G M E N T

The petitioner is the beneficiary of an award of the Principal Motor Accidents Claims Tribunal, Kozhikode. Pursuant to the award, petitioner submits that, an amount of Rs.15,45,891/- is lying in fixed deposit with the Bank of India. The petitioner applied for release of the amount to the petitioner for paying off the debts of the petitioner due to the Chevayur Service Co-operative Bank and other loans. Petitioner's application for release of the amount has been disposed of by Ext.P6 directing disbursal of Rs.2 lakhs. The petitioner submits that this would not be sufficient to pay off the debts of the petitioner. The petitioner would require at least six lakhs rupees to pay off the entire debts, is the submission.

2. I have heard the learned counsel for the petitioner.

3. If more than Rs.15,00,000/- is in deposit, I do not find any harm in directing disbursal of Rs.6 lakhs to the petitioner, especially since he has produced evidence to show that the petitioner is liable to repay three loans. In the above circumstances, I modify Ext.P6 to the effect that instead of Rs.2 lakhs, an amount of Rs.6 lakhs shall be disbursed to the petitioner.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. TO JUDGE.